

present invention, except for the limitation of the control information including indicia of payload (data) information that the data information is yielded from decoding the sub-channel when the device operates in the second mode. Since Kleider is silent on the issue of control information including indicia of payload (data) information, the Examiner points to Rotstein and asserts that the combination of these references makes obvious the invention of the present application. The Applicants, however, strongly disagree.

Regardless of how obvious it may be to combine the teachings of Kleider and Rotstein, the Applicants assert that such combination fails to teach the invention of the present application.

Each claim of the present application recites or depends from claims that recite:

...operating in a first decoding mode to decode one or more sub-channels of the plurality of sub-channels, thereby yielding control information, and

if the control information includes indicia of payload directed to the receiving device, operating in a second decoding mode to decode one or more additional sub-channels...

or

...sending control information in one or more control sub-channels of M sub-channels occupying a first portion of the bandwidth B_M .

As set forth in the specification, the purpose of this invention is to designate control sub-channels to enable receiving devices to operate in a low power decoding mode. The *receiving device* can receive control messages and some payload messages by decoding the designated control sub-channels in the low power mode. The receiving device can switch to a higher power mode to decode additional sub-channels, *when necessary*, to receive messages that do not fit within the control sub-channel. Thus, the current invention proposes a solution for reducing power consumption of the receiving devices. (see Page 4, lines 4-12)

In contrast, Kleider discloses a communication system that is capable of operating in adverse spectral environments (col. 1, lines 5-7). Kleider *reduces the adverse effects of potentially interfering signals* that appear within the system's operational bandwidth by *monitoring and adapting to the spectral environment* about the system; that is, Kleider monitors the spectral makeup within a frequency band of interest and varies its *transmit signal parameters* based on the detected spectral condition. Kleider uses portions of the spectrum *that are not presently being used* by other systems in the area, to perform communications; alternatively, Kleider *adjusts the power level and/or processing gain of its transmit signal* so that it does not

interfere with other systems in the area. Nowhere does Kleider teach, suggest, or make obvious *a receiving device...operating in a first decoding mode to decode one or more sub-channels of the plurality of sub-channels, thereby yielding control information, and if the control information includes indicia of payload directed to the receiving device, operating in a second decoding mode to decode one or more additional sub-channels...*

To overcome these shortcomings the Examiner points to Rotstein and asserts that it would have been obvious to modify the system disclosed in Kleider as taught by Rotstein. While Rotstein teaches reducing power consumption of a communication device, it fails to teach, suggest, or make obvious *...operating in a first decoding mode to decode one or more sub-channels of the plurality of sub-channels, thereby yielding control information.* Based upon this lack of teaching, the Applicants assert that the cited references fail to teach the invention of the present application, for nowhere do they teach, suggest, or make obvious *...operating in a first decoding mode to decode one or more sub-channels of the plurality of sub-channels, thereby yielding control information, and if the control information includes indicia of payload directed to the receiving device, operating in a second decoding mode to decode one or more additional sub-channels...*

Since the differences between the subject matter as claimed and the cited references are so clearly significant, the Applicants assert that the subject matter as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made. In accordance, the Applicants assert that the cited references fail to teach, suggest or make obvious the invention of the present application. Reconsideration and allowance of the claims as amended and presented herein is respectfully requested.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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